

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

JEREMY P. GALLANT,
Plaintiff

Case No. 1:16-cv-00383

Dlott, J.
Litkovitz, M.J.

vs.

MR. HOLDREN, et al.,
Defendants.

ORDER

Plaintiff, an inmate at the Southern Ohio Correctional Facility (SOCF), brings this pro se action under 42 U.S.C. § 1983 alleging violations of his civil rights. This matter is before the Court on plaintiff's "Notice of Deprivation of Legal Property - Request for Stay in Civil Proceedings" filed on April 4, 2018 (Doc. 72) and plaintiff's "Notice of Second Deprivation - Request for a Temporary Stay in Case" filed on April 25, 2018 (Doc. 75). Defendants filed a response in opposition to the first motion (Doc. 73) and a supplemental memorandum (Doc. 74) on April 12, 2018.

Plaintiff alleged in his initial notice and motion that he had been deprived of all his legal documents as of April 1, 2018. (Doc. 72). Plaintiff alleged in his second motion that he was transferred from segregation on April 18, 2018, but was then returned to segregation that same date after being falsely accused of committing an infraction and was again deprived of all his legal property. (Doc. 75). Defendants assert in response to plaintiff's first motion that he was placed in segregation because he was found to be in possession of contraband; although prisoners are permitted to keep at least one properly maintained and marked bin of legal property in segregation, plaintiff initially did not have his materials in order so that prison authorities could determine which of his materials were current legal material; and plaintiff obtained access to his pending current cases and legal materials as of April 6, 2018, and he maintained possession of

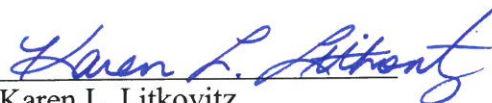
those materials as of April 12, 2018. (Doc. 73). Defendants therefore request that plaintiff's motion to stay proceedings be denied. They ask that if the Court were to grant an extension that it be brief.

Plaintiff has not filed a reply in support of his motion to stay. Plaintiff therefore has not refuted any of defendants' factual assertions. Further, the Court notes that plaintiff filed a motion for extension of time on May 1, 2018, in another lawsuit he has pending before the Court - *Gallant v. Cadogan, et al.*, Case No. 1:16-cv-00487, Doc. 76. However, plaintiff provided no indication in that motion that he does not have access to his legal materials at this time.

Accordingly, plaintiff's motions to stay these proceedings (Docs. 72, 75) are **DENIED**. Plaintiff shall have **twenty-one (21) days** from the date of this Order to file a response to defendants' motion for summary judgment.

IT IS SO ORDERED.

Date: 5/4/18


Karen L. Litkovitz
United States Magistrate Judge